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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,189	02/17/2000	Simon Robert Smith	00138	7235

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EXAMINER

WOOD, WILLIAM H

ART UNIT PAPER NUMBER

2124

DATE MAILED: 12/02/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/506,189

Applicant(s)

SMITH ET AL.

Examiner

William H. Wood

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8 is/are rejected.
- 7) ☒ Claim(s) 1-6 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-6 and 8 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 October 2003 has been entered.

Drawings

The drawings are objected to by Draft Person's review (see attached PTO-948). The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regard to claim 1, occurrences of "information support components" (b), "information software components" (c), and "information support software components" (d; antecedent basis lacking here) do not correlate, though it is believed the all refer to the same element. The claim has been rejected

Art Unit: 2124

under the interpretation that all above elements are as follows: "information software components". Appropriate correction required.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Terminology "and/or" in claim language is improper for failing to provide a clear interpretation of the nature of the "web-based resources". Appropriate correction of using either "and" or "or" is required. For the purpose of the below rejection "or" has been used.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by **Boden et al.** (USPN 5,930,512).

Claim 1

Boden disclosed a method for creating and deploying a process-driven information System (*column 2, lines 50-65*), said method comprising the following steps:

- ♦ (a) creating a process model comprising a plurality of elements in a process driven information system (*column 4, lines 55-64*), said plurality of elements representing the work carried out by personnel in an organization (*column 4, lines 55-64; column 8, lines 30-64*), said model forming a component of a hierarchical arrangement of cross referenced processes (*definition of workflow; i.e. the FlowMark product; column 12, lines 26-27*);
- ♦ (b) using this model to identify requirements for application and information support components for said processes (*column 12, lines 45-49; FlowMark by IBM*);
- ♦ (c) finding or creating one or more application and information software components as support for said processes (*column 12, lines 45-49; FlowMark by IBM*);
- ♦ (d) deploying the process-driven information system with said application and information support software components accessible from designated elements in said processes (*column 2, lines 50-65; column 13, lines 26-35*);

Art Unit: 2124

activities are elements), each element giving access to an application or information support component (*column 12, lines 23-28*); and

- ♦ (e) selection by a user of said process model displayed on a screen to access said application and information software components to direct the operation of said information software components (*column 13, lines 26-35; Figures 11-20*).

Claim 2

Boden disclosed a method according to claim 1 wherein said process model is part of a set of general purpose graphical business models (*column 8, lines 5-9*).

Claim 3

Boden disclosed a method according to claim 2 wherein said process model is accessible via a web browser (*column 2, lines 51-57*).

Claim 4

Boden disclosed a method according to claim 1 wherein said plurality of elements of said process model are provided in a tool which uniquely identifies each of said plurality of elements (*column 12, lines 19-34; FlowMark by IBM*) and which maps each of said plurality of elements to an application and information in the form of one or more software components (*column 12, lines 19-34; column 12, lines 45-49*).

Art Unit: 2124

Claim 5

Boden disclosed a method according to claim 1 wherein said one or more application and information software components are in the form of arbitrary alternative web pages and/or web-based resources (*column 2, lines 58-65; column 25, lines 44-54*).

Claim 6

Boden disclosed a method according to claim 1 wherein said application and information software components are accessed by the user selection of one or more of the process model elements displayed on a display screen (*column 13, lines 26-35*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Boden et al.** (USPN 5,930,512) in view of **Entner et al.** (USPN 5,745,901).

Claim 8

Boden did not explicitly state a method according to claim 1 wherein said process model is used to educate users within an organization as to how the organization processes functions. **Entner** demonstrated that it was known at the time of invention to

Art Unit: 2124

make use of workflow models for personnel training (column 3, lines 4-16). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the natural workflow graphics/models of **Boden** as educational tools as discussed by **Entner**. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide easy to understand material (graphics) to users and to make as much use of one tool as possible.

Response to Arguments

Applicant's arguments with respect to claims 1-6 and 8 have been considered but are moot in view of the new ground(s) of rejection.

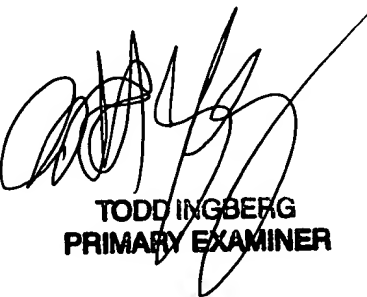
Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (703)305-3305. The examiner can normally be reached 7:30am - 5:00pm Monday thru Thursday and 7:30am - 4:00pm every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

William H. Wood
November 25, 2003



**TODD INGBERG
PRIMARY EXAMINER**